

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed May 4, 2009. Claims 1-14 remain in this application. Claims 1, 12, 13 and 14 are amended. No new matter is added by virtue of the amendments. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Rejections under 35 U.S.C. §103(a)

The Office has rejected claims 1-2, 7 and 12-14 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,137,767 (“Ro”) in view of UK Patent Application 2,349,501 (“Yao”). Applicants respectfully traverse the rejections.

I. Claims 1-2 and 7 are allowable

Claim 1 has been amended herein to better define Applicant’s invention over Ro and Yao, individually or in combination. Claim 1 now recites limitations and/or features which are not disclosed by Ro and Yao, individually or in combination. Claim 1 as amended herein recites in part: ***“wherein said session states pertain to a session’s length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible.”*** In accordance with the invention, knowing the session’s length, position and starting point allows an optical disc drive apparatus capable of reading/writing session information from/to the memory chip to use the session information to its advantage when accessing the optical disc. For example, knowing the length, position and starting point of each session, as defined by the session information, allows the optical disc drive apparatus to quickly determine a starting point for beginning a new session or otherwise continuing a previously “open” session. It should be appreciated that this is not achievable with conventional methods that merely store index data in that the index data only stores information per track, whenever new data is written on the optical disc, and do not store information pertaining to the session length (e.g., a session’s length, position and starting point). Not knowing these parameters is disadvantageous in that the optical disc drive

apparatus must parse the entire contents of the last written session to determine a starting point for a new, or continued, session. Further, in accordance with the invention, the session information also includes track states pertaining to the status of each session track being one of open, closed or invisible.” The track state defines whether a session is *open* (i.e., An "open" track means that the length of the track is known but the track is not yet completely filled with data), *closed* (i.e., A "closed" track means that the length of the track is known and that the track is completely filled with data) or *invisible* (i.e., An "invisible" track means that the length of the track is yet unknown).

The cited portions of Ro and Yao, individually or in combination, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Ro fail to disclose or suggest, *“wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session’s length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible”*, as recited in claim 1. It is respectfully submitted that a careful examination of Ro, specifically col. 5, lines 10-15, will show that the above recitation of claim 1 is clearly not met. That is, in contrast to claim 1, Ro teaches that whenever new data is recorded on the optical disk 100, an index of the data is recorded and stored in the memory chip through the input/output terminals 70 as shown in FIG. 2A of Ro by a data storing unit or a recording unit disposed in the disk player. The index of data described in Ro pertains to a TOC (Table of Contents) recording region for recording data indexes, *per track* and *not per session*, in contrast to the instant invention.

As is well known, a conventional optical disk includes: a data recording region for recording data; a TOC (Table Of Contents) recording region for recording data indexes; a clamp region provided between the TOC region and a center hole for clamping in a drive spindle. The Table of Contents (TOC) is the area on the optical disc where the layout of the tracks on the disc is described. It is located in the lead-in area of the disc session and is in principal similar to the partition table on hard drives. For example, a DVDR needs position information which indicates each of track numbers of the optical disc and, start and stop positions of each of tracks in order to reproduce data which is recorded on the tracks of the optical disc. Original position information is recorded in a lead-in area of the optical disc as a

table-of-contents (TOC) by manufacturers of the optical discs. It is respectfully submitted that the index of data recorded on an optical disk in Ro is different from recording session information in accordance with the invention. Instead, Ro merely stores index data on a per track basis, whenever new data is recorded on the optical disk.

Yao is not cited for teaching this element of claim 1. Thus, the cited portions of Ro and Yao, individually or in combination, do not disclose or suggest *“wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session’s length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible”*, as recited in claim 1. Hence, claim 1 is allowable.

Claims 2 and 7 depend from independent Claim 1 and therefore contain the limitations of Claim 1 and are believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 2 and 7 is respectfully requested.

Independent Claims 12, 13 and 14 recite similar subject matter as Independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 12, 13 and 14 are believed to recite statutory subject matter under 35 USC 103(a).

II. Claims 3-6 are allowable

In the Office Action, Claims 3-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ro in view of Yao in view of U.S. Patent No. 5,119,353 (“Asakura”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Ro and Yao, individually or in combination, do not disclose or suggest each and every element of claim 1 from which claims 3-6 depends. Asakura does not disclose each of the elements of claim 1 that are not disclosed by Ro and Yao. For example, the cited portions of Asakura do not disclose or suggest *“wherein the stored session information pertains to session states and track states, wherein said session*

states pertain to a session's length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible", as recited in claim 1. Rather, Asakura discloses that session information is read from a memory chip when accessing the optical disc. See Asakura, col. 2, lines 33-65. Asakura discloses that a memory chip is placed in a read only type of CD or CD-ROM capable of storing the previous progress of a CD-ROM game or game scores, or to resume the play of the game from the point of previous play. See Asakuru, col. 2, lines 36-45. However, Asakura does not disclose or suggest *"wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session's length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible"*, as recited in claim 1. Therefore claim 1 is allowable over the asserted combination of Ro, Yao and Asakura, and claims 3-6 are allowable at least by virtue of their dependence from claim 1.

III. Claim 8 is allowable

In the Office Action, Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ro in view of Yao in view of U.S. Patent No. 6,356,517 ("Liu"). Applicants respectfully traverse the rejection.

As explained above, the cited portions of Ro and Yao, individually or in combination, do not disclose or suggest each and every element of claim 1 from which claims 3-6 depend. Liu does not disclose each of the elements of claim 1 that are not disclosed by Ro and Yao. For example, the cited portions of Liu do not disclose or suggest *"wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session's length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible"*, as recited in claim 1. Rather, Liu discloses that a control circuit is adapted, in response to a write command, to read session information from a memory chip. See Liu, col. 2, lines 56-59. Liu discloses that a key or a pin program can be written into a compact disc operating system to prevent unauthorized people from writing, changing, or amending the contents of a control chip. However, Liu does not disclose or suggest *"wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session's length, position and*

starting point and said track states pertain to the status of each session track being one of open, closed or invisible”, as recited in claim 1. Therefore claim 1 is allowable over the asserted combination of Ro, Yao and Liu, and claim 8 is allowable at least by virtue of its dependence from claim 1.

IV. Claims 9 and 10 are allowable

In the Office Action, Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ro in view of Yao in view of Liu as applied to claim 8, and further in view of Asakura. Applicants respectfully traverse the rejections.

As explained above, the cited portions of Ro, Yao, Liu, and Asakura, individually or in combination, do not disclose or suggest each and every element of claim 1 from which claims 9 and 10 depend. For example, the cited portions of Ro, Yao, Liu, and Asakura do not disclose or suggest *“wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session’s length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible”*, as recited in claim 1. Therefore, claim 1 is allowable over the asserted combination of Ro, Yao, Liu and Asakura, and claims 9 and 10 are allowable at least by virtue of their dependence from claim 1.

III. Claim 11 is allowable

In the Office Action, Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ro in view of Yao in view of U.S. Patent No. 6,298,023 (“Wu”). Applicants respectfully traverse the rejection.

As explained above, the cited portions of Ro and Yao, individually or in combination, do not disclose or suggest each and every element of claim 1 from which claim 11 depends. Wu does not disclose each of the elements of claim 1 that are not disclosed by Ro and Yao. For example, the cited portions of Wu do not disclose or suggest *“wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session’s length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible”*, as recited in claim 1. Rather, Wu

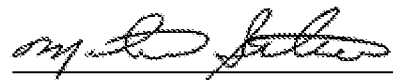
discloses an optical disc drive apparatus, capable of performing a random write operation on a recordable optical disc (R-type). See Wu, col. 4, line 27. However, Wu does not disclose or suggest “*wherein the stored session information pertains to session states and track states, wherein said session states pertain to a session’s length, position and starting point and said track states pertain to the status of each session track being one of open, closed or invisible*”, as recited in claim 1. Therefore claim 1 is allowable over the asserted combination of Ro, Yao and Wu, and claim 11 is allowable at least by virtue of its dependence from claim 1.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-14 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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